STATE OF NEW YORK

3354--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. FALL, ABBATE, SILLITTI, SIMON, THIELE, RAJKUMAR
-- read once and referred to the Committee on Governmental Employees
-- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law and the labor law, in relation to leave time for COVID-19 vaccination; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new section 2 159-c to read as follows:

3 § 159-c. Leave time for COVID-19 vaccination. 1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public 5 benefit corporation, employee of any board of cooperative educational 7 services (BOCES), employee of any vocational education and extension 8 board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee 9 10 of any municipality, employee of any school district or any employee of 11 a participating employer in the New York state and local employees' 12 retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent 13 himself or herself and shall be deemed to have a paid leave of absence 14 from his or her duties or service for a sufficient period of time, not 15 to exceed four hours per vaccine injection, unless such officer or 16 17 employee shall receive a greater number of hours pursuant to a collec-18 tively bargained agreement or as otherwise authorized by the employer, 19 to be vaccinated for COVID-19.

20 2. The entire period of the leave of absence granted pursuant to this 21 section shall be excused leave and shall not be charged against any 22 other leave such public officer or employee is otherwise entitled to.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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3. Nothing in this section shall be deemed to impede, infringe, diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining agreement.

- § 2. The labor law is amended by adding a new section 196-c to read as follows:
- § 196-c. Leave time for COVID-19 vaccination. 1. Every employee shall be provided a paid leave of absence from his or her employer for a sufficient period of time, not to exceed four hours per vaccine injection, unless such employee shall receive a greater number of hours pursuant to a collectively bargained agreement or as otherwise authorized by the employer, to be vaccinated for COVID-19.
- 2. The entire period of the leave of absence granted pursuant to this 16 section shall be provided at the employee's regular rate of pay and shall not be charged against any other leave such employee is otherwise entitled to, including sick leave pursuant to section one hundred ninety-six-b of this article.
 - 3. Nothing in this section shall be deemed to impede, infringe, diminish or impair the rights of an employee or employer under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining agreement.
- § 3. No employer or his or her agent, or the officer or agent of any 27 corporation, partnership, or limited liability company, or any other person, shall discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee because such employee has exercised his or her rights afforded under this act, including, but not 30 31 limited to, requesting or obtaining a leave of absence to be vaccinated 32 for COVID-19.
- 33 § 4. This act shall take effect immediately and shall expire and be 34 deemed repealed December 31, 2022.